

STATE BOARD OF POLYSOMNOGRAPHY
124 HALSEY STREET, NEWARK, NJ
MONMOUTH CONFERENCE ROOM, 7TH FLOOR
<http://www.njconsumeraffairs.gov/poly/>
MARCH 12, 2013

PUBLIC SESSION MINUTES (AMENDED 6/10/2013)

I. CALL TO ORDER

This scheduled meeting was called to order at 10:25 a.m. in the Monmouth Conference Room, 7th Floor, 124 Halsey Street, Newark, NJ by the Chair, Penni L. Smith.

II. ROLL CALL

Present:

Penni L. Smith, Chair
Mitchell L. Rubinstein, RPSGT
Sara Rose Gallagher, RPSGT

Absent:

Kathleen A. Feeney, RPSGT
John Penek, M.D.
Gerald J. Ferencz, M.D.
Don J. Fahy, RPSGT

Also in Attendance:

Susan Carboni, Deputy Attorney General
Francine Widrich, Acting Executive Director
Elizabeth Greenblatt, Regulatory Analyst
Tiesha Frederick, Administrative Staff

Due to the lack of a quorum, the meeting was conducted as a sub-committee of the Board.

III. REVIEW OF MINUTES

Due to the lack of a quorum, the meeting was conducted as a sub-committee of the Board. Review and approval of the December 11, 2012 minutes was tabled to the next scheduled meeting.

IV. ACTING EXECUTIVE DIRECTOR REPORT

1. Newly Licensed Polysomnographers

A list of all newly licensed polysomnographers submitted for the Board to review.

Canela, Eddy C	49FC00024300	Choudhry, Kamran	49FC00024400
Jean Louis, Taina	49FC00024500	James, Christopher K	49FE00002200
Marr, Ryan C.	49FE00002300	Memon, Ahmer W.	49FE00002400
Brady, Lori A.	49FE00002500	Tero, Catherine L.	49FE00002600
Cortinas, Natasha	49FE00002700	Franza, David W.	49FE00002800
Ruffolo, Gino L.	49FE00002900	Hamilton, William J.	49FE00003000
Gerges, Ekramy Z	49FE00003100	DeMary, Karen A.	49FE00003200
Carpenter, LaShaun	49FE00003300	Guzman, Alex	49FW00032600
Hamilton, Susan	49FW00032700	Thomas, Mathew	49FW00032800
Albert, Belange	49FW00032900	Prokopovich, Pavel	49FW00033000
Jablonski, Kiara	49FW00033100	Shiley, Jill	49FW00033200
Clothier, II, Richard	49FW00033300	Feeney, Kayla	49FW00033400
Rossidis, Susan K.	49FW00033500		

Due to lack of a quorum, the meeting was conducted as a sub-committee of the Board. The sub-committee recommends affirming this list at the Board's next scheduled meeting.

2. Monthly Executive Report

The monthly executive report was submitted for informational purposes to the Board.

3. Division of Law Billing

The Division of Law Billing report for legal services provided to the Board was submitted for informational purposes.

4. The 2013 Polysomnography Board Meeting Dates

The Board meeting dates for the remainder of 2013 are as follows:

Tuesday, March 13, 2013, Monmouth Conference Room, 7th Floor,
Tuesday, April 9, 2013, Monmouth Conference Room, 7th Floor
Tuesday, May 14, 2013, Essex Conference Room, 7th Floor
Tuesday, June 11, 2013, Monmouth Conference Room, 7th Floor
Tuesday, July 9, 2013, Essex Conference Room, 7th Floor
Tuesday, August 13, 2013, Monmouth Conference Room, 7th Floor
Tuesday, September 10, 2013, Monmouth Conference Room, 7th Floor

Tuesday, October 08, 2013, Essex Conference Room, 7th Floor
Tuesday, November 12, 2013, Monmouth Conference Room, 7th Floor
Tuesday, December 10, 2013, Essex Conference Room, 7th Floor

Due to lack of a quorum, the meeting was conducted as a sub-committee of the Board. A motion was made by Penni Smith and seconded by Mitchell Rubinstein to approve the 2013 meeting dates. The sub-committee recommends that the Board approve the 2013 meeting dates at the next scheduled meeting.

5. Nomination for Board Offices; Election at next Board meeting

A call for the nominations for Board Officers was tabled for the next scheduled meeting.

V. NEW BUSINESS

1. Inquiry from licensee Candace Lillie concerning:

- a. Unlicensed Practice of Polysomnography
- b. Licensure Fees of Polysomnography

a. With regard to Ms. Lillie's assertions that there are unlicensed technicians and technologists, the sub-committee of the Board recommends that the Acting Executive Director contact Ms. Lillie in writing to request that she provide specific details concerning actual unlicensed technicians or technologists currently practicing polysomnography. The Board will review this information when received.

b. With regard to Ms. Lillie's inquiry about the current fee charged for technologists' licenses, the sub-committee of the Board recommends that the Acting Executive Director relay the following to Ms. Lillie:

"The Board's licensing fees were calculated based on the cost of operating a licensing Board divided by the number of licensees. If the number of licensees increases, the Board will revisit the fee schedule accordingly."

2. Inquiry from licensee Mary Whitby concerning the practice of Polysomnography, the need for her to hold an active Polysomnography license since she holds a Respiratory Care license and her request to put her Polysomnography license on inactive status.

The sub-committee recommends that the Acting Executive Director write to Ms. Whitby to inform her that she should contact, in writing, the State Board of Respiratory Care to seek clarification about the scope of practice of Respiratory Care and whether or not her current job functions are within that scope of practice.

The sub-committee also directed the Acting Executive Director to let Ms. Whitby know that her request to put her polysomnography license on inactive status was accepted, and to also let her know that she can not hold herself out as a polysomnographer.

3. Inquiry from licensee Nanci Pelcher concerning:

- a. The Practice of Polysomnography by a Respiratory Care Licensee
- b. Referenced by licensee an attachment of 2009 September Public Minutes

a. The sub-committee recommends that the Acting Executive Director write to Ms. Pelcher to inform her that she should contact, in writing, the State Board of Respiratory Care to seek clarification about the scope of practice of Respiratory Care and whether or not her current job functions are within that scope of practice.

b. The sub-committee revisited the 2009 September Public Minutes and affirms their recommendation to Ms. Pelcher.

4. Inquiry from licensee Nancy Gonzalez concerning:

- a. Unlicensed Practice of Polysomnography
- b. The Practice of Polysomnography by a Respiratory Care Licensee
- c. Licensure Fees of Polysomnography
- d. The American Academy of Sleep Medicine (AASM) Credentials qualifications for Licensure

With regard to Ms. Gonzalez's inquiry on where to report that there are unlicensed technicians and technologists working at sleep facilities, the sub-committee of the Board recommends that the Acting Executive Director contact Ms. Gonzalez to inform her that any details she has about the unlicensed practice of polysomnography in New Jersey should be directed to the Acting Executive Director of the Board.

The sub-committee recommends that the Acting Executive Director write to Ms. Gonzalez to inform her that she should contact, in writing, the State Board of Respiratory Care to seek clarification about the scope of practice of Respiratory Care and whether or not her current job functions are within that scope of practice.

With regard to Ms. Gonzalez's inquiry about the current fee charged for technologists' licenses, the sub-committee of the Board recommends that the Acting Executive Director relay the following to Ms. Gonzalez:

"The Board's licensing fees were calculated based on the cost of operating a licensing

Board divided by the number of licensees. If the number of licensees increases, the Board will revisit the fee schedule accordingly.”

The State Board of Polysomnography also recognizes the RST Examination given by the AASM as satisfactory evidence that an applicant is qualified for licensure as a polysomnographer.

5. Inquiry from Sara Lonergran, Public Relations Specialist, for Blackstone Medical Services concerning:

a. The Practice of Polysomnography in New Jersey

The sub-committee recommends that the Acting Executive Director contact Ms. Lonergran for more details and clarification about her inquiry.

6. Letter from licensee Teimuraz S. Yeligulashvili concerning the incorrect response on the renewal application

The sub-committee reviewed and accepted Mr. Yeligulashvili’s response on answering incorrectly to the renewal application question.

7. Resignation letter of Michael J. Lahey, NJ State Board of Polysomnography Chair

The resignation letter of Michael J. Lahey was submitted to the sub-committee for informational purposes and will be resubmitted at the next scheduled Board meeting.

VI. OLD BUSINESS

1. Discussion with Elizabeth Greenblatt, Regulatory Analyst, on the Notice of Adoption of the Ph. D. Proposal (N.J.A.C. 13:44L-2.3)

The matter will be tabled to the next scheduled Board meeting.

2. Drafted response for Lynnda Kane waiver request from December 2012 Public Minutes

Sara Rose Gallagher will draft a response and present to the Board for review and approval.

3. Letter from HSI concerning Rulemaking Petition to Amend Chapter 44L

The sub-committee directed the Acting Executive Director to contact HSI to schedule its presentation at the next scheduled Board meeting.

4. Copy of the extension for Rulemaking for the Petition to Amend Chapter 44L

This was submitted for informational purposes only.

VII. ADJOURNMENT

A motion was made by Sara Rose Gallagher and seconded by Mitchell Rubinstein to close Public Session and go into Executive Session for the purpose of reviewing confidential matters. The Public Session ended at 12:15 p.m.